IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

RP.No. 830 of 2004()
IN
C.R.P.NO.2743 OF 1997 (F)

AGAINST THE JUDGEMENT/ORDER IN CRP.2743/1996 Dated 03/06/2002
.....

REVIEW PETITIONER/REVISION PETITIONER:

ANNAMMA JOSEPH, PULICKAL VEETTIL,
ITHITHANAM KARA, KURICHI VILLAGE,
CHANGANASSERY.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENT/RESPONDENT:

MATHEW JOSEPH, THOPPIL VEETTIL,
VAZHAPPALLY, CHANGANASSERY.

BY ADV. SRI.M.BALAGOVINDAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY & M.RAMACHANDRAN, JJ.

R.P.NO.830 OF 2004 (F)
IN
C.R.P.No.2743 of 1996

Dated this the 17th day of January, 2007

O R D E R

KOSHY,J

The judgment under review was passed based on the decision in **Isaac Ninan v. State of Kerala (1995 (2) KLT 848).** The above case was reviewed in **Edger Ferus v. Abraham Ittycheria (2004 (1) KLT 767)** and held that the Rent Control Court has got jurisdiction to fix the fair rent. It is true that a subsequent decision by this Court is not a ground for review. But in this case the very same decision relied on ie., Isaac Ninan's case itself was reviewed. Here the basis of the judgment under review had gone. In the above circumstances, this R.P. is allowed.

Post the C.R.P. for hearing in the appropriate court.

J.B.KOSHY, JUDGE

M.RAMACHANDRAN, JUDGE

prp

J.B. KOSHY
&
M.RAMACHANDRAN, JJ.

R.P.NO.830 OF 2004 (F)
IN
C.R.P.No.2743 of 1996

O R D E R

Dated:17th January, 2007

J.B.Koshy &
K.K.Denesan,JJ.

I.A.No.2342/2004 in
C.M.Appl.No.4
13/2004 in
M.J.C.No.62/
2004 in
C.M.C.No.48
/2001 in
Unnumbered A.S No.of 2001

Order

10-1-2007